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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,684	01/06/2005	Hiroshi Yamaguchi	SONYJP 3.3 -381	S184
530	7590	02/06/2008	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			ANDRAMUNO, FRANKLIN S	
		ART UNIT		PAPER NUMBER
		2623		
		MAIL DATE	DELIVERY MODE	
		02/06/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/520,684	YAMAGUCHI ET AL.
	Examiner	Art Unit
	Franklin S. Andramuno	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 3/31/05.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 3/31/05 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 3/31/05.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton (US 7,305,357 B2) in view of Asmussen et al (US 2002/0042923 A1). Hereinafter referred as Hamilton and Asmussen.

Regarding claims 1, 7, 11, and 15, Hamilton discloses a server type content delivery system (**Content On Demand System (10) in figure 1**), comprising: a content delivery server that delivers broadcast contents consisting of a data stream constituting a broadcast program (**Distribution Hub (74) in figure 1**), control information for tuning, and program information (**Media Receiver Controller (48) in figure 2**); and a content receiving client that receives the data stream constituting a broadcast program (**figure 4**), the control information for tuning, and the program information and reproduces the broadcast contents after temporarily storing the broadcast contents (**Memory (26) in figure 2**), characterized in that the delivery server delivers the broadcast contents with control information concerning copyright protection for contents inserted in a section of the control information for tuning or the program information (**Session Update in figure 8C**), and the content receiving client controls a reproduction operation or a recording reservation processing operation for the stored

contents in accordance with the control information concerning copyright protection for contents inserted in the section of the control information for tuning or the program information (**Processor (36) in figure 2**). However, Hamilton fails to teach the use of copyright protection in this invention. Asmussen shows in (**page 5 paragraph (0057)**) the aggregator will determine to whom any copyright or other fees should be paid.

Therefore, it would have been obvious at the time of the invention to include the control information concerning copyright protection. This is a useful combination because it allows software owners to sell and download their products with the correct protection.

Regarding claims 2, 6, 8, and 12, Asmussen discloses a content delivery system according to claims 1, 5, 7, and 11, characterized in that it is possible to include control information concerning copying of broadcast contents (**page 4 paragraph (0047) lines 30-34**) and reproduction control information concerning stored broadcast contents in the control information concerning copyright protection for contents (**page 4 paragraph (0047) lines 26-28**), and the reproduction control information includes the number of times of reproduction of contents, restriction of display resolution at the time of reproduction of contents, and an expiration date of content reproduction (**Column 12 lines 45-47 (Hamilton)**).

Regarding claims 3, 5, 9, and 13, Hamilton discloses a content delivery system according to claims 2, 8, and 12, characterized in that in the case in which the reproduction control information concerning stored broadcast contents is included in the section of the control information for tuning or the program information (**column 5**

**lines 65-67),** the receiving client controls a reproduction operation or a recording reservation operation for contents on the basis of the number of times of reproduction of contents (**column 6 lines 32-42**), the restriction of display resolution at the time of reproduction of contents, and the expiration date of content reproduction described in the reproduction control information (**Column 12 lines 45-47**).

Regarding claims 4, 10, and 14, Hamilton discloses a content delivery system according to claims 2, 8, and 12, characterized in that in the case in which the reproduction control information concerning stored broadcast contents (**Memory (26) in figure 2**) is not included in the section of the control information for tuning or the program information (**Media Receiver Controller (48)**), the receiving client controls a reproduction operation or a recording reservation operation for contents on the basis of recording control data for managing a copy generation of contents described in the control information concerning copying of broadcast contents (**Audio/Video Recording System (209) in figure 2 (Asmussen)**).

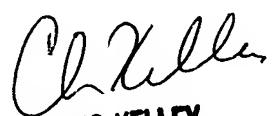
### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Franklin S. Andramuno whose telephone number is 571-270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER